

**Notice of Allowability**

Application No.

10/076,499

Examiner

C. SAYALA

Applicant(s)

HIGGS ET AL.

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/20/2005.
2. ☒ The allowed claim(s) is/are 2,3,7-14 and 42-63.
3. ☒ The drawings filed on 4/19/05 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☒ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**CHHAYA SAYALA**  
**PRIMARY EXAMINER**

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the specification:

At page 1, lines 3-7 were deleted and the following substituted therefor:

- - This application is a Continuation-In-part application of United States serial number 09/566,728. filed May 9, 2000, now abandoned, and claims priority to Canadian patent application serial number 2,351,903 filed on June 26, 2001 and International Patent Application Number PCT/CA01/00663 filed on May 8, 2001 which claims priority to Canadian patent application serial number 2,334,745 filed on February 13, 2001. - -

### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The following patents teach combining vegetable ~~or~~ oilseed oil with animal products or fat:

Bedford (US Patent 2851357), JP 05076291, DE 03927118, WO 97/24933 and GB 2280348.

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But they do not teach or fairly suggest the method as claimed, namely, subjecting the oilseed to heat treatment, blending this with *unhydrolyzed* animal offal and cooking the mixture and then separating the cooked mixture into various fractions.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. SAYALA whose telephone number is 571-272-1405.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



C. SAYALA  
Primary Examiner  
Group 1700.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Application Number: 10/076,499

Attachment to Paper Number: 4/27/05

## NOTICE OF INFORMAL APPLICATION

This application is considered to be informal since it does not comply with the regulations for the reason(s) indicated below. The period within which to correct the informalities noted below and avoid abandonment is set in the accompanying Office action.

A. A new oath or declaration, identifying this application by the application number is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:

- ☐ 1. does not identify the residence (e.g., city and either state or foreign country) of each inventor.
- ☐ 2. does not identify each inventor by full name, including the family name and at least one given name without abbreviation.
- ☐ 3. does not identify the complete post office address of each inventor.
- ☐ 4. does not identify the citizenship of each inventor.
- ☐ 5. does not state whether the inventor is a sole or joint inventor.
- ☐ 6. does not state that the person making the oath or declaration:
  - ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - ☐ believes the named inventor or inventors to be the original and the first inventor or inventors of the subject matter which is claimed and for which a patent is sought.
  - ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
- ☐ 7. does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing.
- ☐ 8. does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(e)).
- ☐ 9. contains non-initialed alterations (37 CFR 1.52(c)).

B. Applicant is required to provide:

- ☐ 1. Proof of authority of the legal representative under 37 CFR 1.44.
- ☐ 2. An abstract in compliance with 37 CFR 1.72(b).

C. ☒ OTHER: Status of 09/566,728 should be corrected to: ~~AB~~

:- "ABANDONED"

CHHAYA SAYALA  
PRIMARY EXAMINER